

House File 535 - Introduced

HOUSE FILE 535

BY WOLFE

A BILL FOR

1 An Act applying earned time to reduce certain mandatory minimum
2 felony sentences.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 903A.5, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. An inmate shall not be discharged from the custody of the
4 director of the Iowa department of corrections until the inmate
5 has served the full term for which the inmate was sentenced,
6 less earned time and other credits earned and not forfeited,
7 unless the inmate is pardoned or otherwise legally released.
8 Earned time accrued and not forfeited shall apply to reduce a
9 mandatory minimum sentence being served pursuant to section
10 124.406, 124.413, 902.7, 902.8, 902.8A, ~~or~~ 902.11, or 902.12.
11 An inmate shall be deemed to be serving the sentence from the
12 day on which the inmate is received into the institution. If
13 an inmate was confined to a county jail, municipal holding
14 facility, or other correctional or mental facility at any time
15 prior to sentencing, or after sentencing but prior to the case
16 having been decided on appeal, because of failure to furnish
17 bail or because of being charged with a nonbailable offense,
18 the inmate shall be given credit for the days already served
19 upon the term of the sentence. However, if a person commits
20 any offense while confined in a county jail, municipal holding
21 facility, or other correctional or mental health facility,
22 the person shall not be granted credit for that offense.
23 Unless the inmate was confined in a correctional facility, the
24 sheriff of the county in which the inmate was confined or the
25 officer in charge of the municipal holding facility in which
26 the inmate was confined shall certify to the clerk of the
27 district court from which the inmate was sentenced and to the
28 department of corrections' records administrator at the Iowa
29 medical and classification center the number of days so served.
30 The department of corrections' records administrator, or the
31 administrator's designee, shall apply credit as ordered by the
32 court of proper jurisdiction or as authorized by this section
33 and section 907.3, subsection 3.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to earned time applied to reduce certain
3 mandatory minimum felony sentences.

4 The bill adds the felonies included in Code section 902.12,
5 which are subject to a mandatory minimum period of confinement
6 prior to eligibility for parole or work release, to the list of
7 offenses for which earned time accrued and not forfeited shall
8 apply to reduce a mandatory minimum sentence being served. An
9 inmate is deemed to be serving the sentence from the day on
10 which the inmate is received into the institution.

11 The felonies described in Code section 902.12 include:
12 murder in the second degree; attempted murder, except attempted
13 murder against a peace officer; sexual abuse in the second
14 degree; kidnapping in the second degree; robbery in the first
15 degree, except for a conviction of robbery in the first degree
16 that occurred on or after July 1, 2018; robbery in the second
17 degree, except for a conviction of robbery in the second degree
18 that occurs on or after July 1, 2016; vehicular homicide when
19 the person unintentionally causes the death of another by
20 operating a motor vehicle while intoxicated, or when the person
21 unintentionally causes the death of another in a reckless
22 manner with willful or wanton disregard for the safety of
23 persons or property, or when the person unintentionally causes
24 the death of another when eluding or attempting to elude a
25 pursuing law enforcement vehicle if the death of the other
26 person directly or indirectly results from the violation and if
27 the person was also convicted of failing to remain at the scene
28 of an accident that resulted in the death of another person;
29 and child endangerment that resulted in the death of a child or
30 minor.